

1/2



Colorado Department
of Public Health
and Environment



January 8, 2001

Mr. Joseph Legare, Assistant Manager
Environment and Infrastructure
U.S. Department of Energy
Rocky Flats Field Office
10808 Highway 93, Unit A
Golden, CO 80403-8200

Subject: Tasks that are excluded from regulation under RFCA by virtue of the fact that they are regulated under the Atomic Energy Act.

Dear Mr. Legare:

When we met with Glenn Doyle in early December to discuss the Earned Value matrix, we raised questions as to why certain activities such as residue processing were still exempt from RFCA given that some of the management assumptions concerning residues had changed since the signing of RFCA. For example, many of the residues streams are now destined for disposal at WIPP, which was generally not contemplated at the time the RFCA was signed. Glenn provided the following rationale for why certain activities designated as AEA activities in the EV matrix should retain that designation. While we generally agree with the rationale, there is at least one statement we take issue with:

Appendix 1 of RFCA delineates that the DNFSB has primary responsibility for plutonium safety and other special nuclear material operations necessary to stabilize residues.

We agree

Mixed residues (e.g., wet combustibles, Pu fluorides, certain salt IDCs) are specifically excluded from RFCA by virtue of their coverage under the Mixed Residues Compliance Order on Consent.

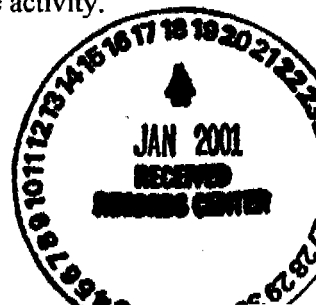
We agree

Residues continue to be managed as SNM from a safeguards and security standpoint.

We don't necessarily agree with this, but it doesn't matter as long as DOE agrees that as soon as the residue has been placed in the appropriate container for storage awaiting shipment to WIPP, it comes under RFCA regulation.

It's consistent with the basic RFCA premise not to have multiple agencies regulating the same activity.

We agree



2/2
B371 is where all SNM processing operations are being consolidated, so it's not logical for its operations to be RFCA regulated.

We strongly disagree. Any decommissioning activity conducted in Building 371 comes under regulation, regardless of whether SNM processing operations are occurring in the building.

DNFSB milestones drive the schedule for processing the residues, not RFCA milestones.

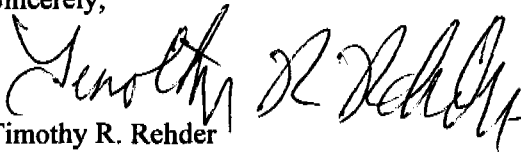
Okay


With respect to non-actinide liquids: These are covered under either RCRA treatment permits, NPDES permit, or considered deactivation activities not covered under a RFCA decision document.

We may not agree with this, but it's probably not an issue since this work is to be completed by January 2001.

Finally, Glenn said that many of the activities in Building 707 were labeled as AEA activities when they should have been identified as subject to RFCA. Once that change is made to the matrix we should be in good shape with respect to earned value.

Sincerely,


Timothy R. Rehder
U.S. Environmental Protection Agency


Steven H. Gunderson
Colorado Department of Public Health / Environment

cc: Dave Shelton, K.H.
Administrative Records, Building 850

